

| | |
|-----------------------|---------------------|
| LFC Requester: | Clint Elkins |
|-----------------------|---------------------|

**AGENCY BILL ANALYSIS
2016 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: **Date** February 4, 2016
Original **Amendment** **Bill No:** HB 127
Correction **Substitute**

Sponsor: Adkins, David E **Agency Code:** 305
Short School District Employee **Person Writing** S. Carrasco-Trujillo
Title: Background Checks **Phone:** 7-6067 **Email** Scarrasco-trujillo@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|------------------------------|------------------|
| FY16 | FY17 | | |
| | | | |
| | | | |

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------------|------------------|
| FY16 | FY17 | FY18 | | |
| | | | | |
| | | | | |

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY16 | FY17 | FY18 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|-------------|-------------|-------------|------------------------------|--------------------------------------|--------------------------|
| Total | | | | | | |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

Synopsis:

The House Education Committee Substitute adds a definition of “background check” to the previously proposed legislation.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

The most significant issue presented by the proposed legislation is the attempt to ensure that all employees of all school districts, local school boards, regional education cooperatives and charter schools have current, verifiable fingerprint supported background checks on file.

Notably, there is a potential language deficit contained in the bill which likely would be interpreted to not require the reporting of appropriate convictions of crimes involving moral turpitude for all employees.

See alternatives below.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

None Noted.

OTHER SUBSTANTIVE ISSUES

See significant issues above.

ALTERNATIVES

An alternative that should be considered is on page 6, line 22 delete “a licensed” and replace with “any employee” and on page 6 line 23 delete “licensed.”

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS

See Alternatives.